

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HAVCO WOOD PRODUCTS, LLC,

Plaintiff,

v.

INDUSTRIAL HARDWOOD
PRODUCTS, INC.,

Defendant.

ORDER

10-cv-566-wmc

Having reviewed plaintiff's deposition designations, defendant's counter-designations and any objections, the court makes the following rulings as to Chris Welford's depositions. The approved designations may be presented to the jury unless the witness is available to testify in person. **Plaintiff shall remove all objections and any other asides or discussions between counsel, even where not noted by the court in its rulings.** If the court sustained the objection to the original testimony, the counter designations are also out.

Havco's Designations	Defendant's Objections	Defendant's Counter-designations	Plaintiff's Objections	Ruling
6:9-12	6:9-12 Rule 105 (limited admissibility)			Overruled.
6:16-25	6:16-25 Rule 105 (limited admissibility)			Overruled.
7:1	7:1 Rule 105 (limited admissibility)			Overruled.
7:12-23	7:12-23 Rule 105 (limited admissibility)			Sustained.

9:3-10	9:3-10 Rule 105 (limited admissibility)			Overruled.
12:11-12	12:11-12 Rule 105 (limited admissibility)			Overruled.
14:8-25	14:8-25 Rule 105 (limited admissibility)			Overruled.
15:1-6	15:1-6 Rule 105 (limited admissibility)			Overruled.
19:3-25	19:3-25 Rule 105 (limited admissibility); Rules 401/402 (irrelevant)			Sustained for liability; overruled for damages.
20:1-3	20:1-3 Rule 105 (limited admissibility); Rules 401/402 (irrelevant)			Sustained for liability; overruled for damages.
		25:6-13		
		26:2-20		
		27:13-20		
27:21-25	27:21-25 Rule 105 (limited admissibility)	28:1		Sustained for liability; overruled for damages.
29:25-30:3	29:25-30:3 Rule 105 (limited admissibility)	29:22-24		Sustained for liability; overruled for damages.
		30:4-23		
		32:8-17	Incomplete; If permitted, should add 32:18-25; 33:1-2	Sustained for liability; overruled for damages; include 32:18-33:2.
		33:3-16		
34:22-25	34:22-25 Rule 105 (limited admissibility)			Overruled.
35:1-6	35:1-6 Rule 105 (limited admissibility)			Overruled.

37:19-23	37:19-23 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
37:24-25	37:24-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
38:1-12	38:1-12 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
38:15-25	38:15-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
39:20-25	39:20-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
40:1-10	40:1-10 Rule 105 (limited admissibility)	40:11-13		Sustained for liability; overruled for damages.
40:14-25	40:14-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
41:1-2	41:1-2 Rule 105 (limited admissibility)	41:11-42:1		Sustained for liability; overruled for damages.
		42:15-44:3	FRE 611(b); dkt. 198, p. 8	Sustained for liability; overruled for damages. ¹

¹ Where there is only an objection to the counter-designation, the ruling addresses that objection. Where there is an objection to both the designation and the counter-designation, the court will address both objections separately.

		46:14-24	FRE 611(b); dkt. 198, p. 8	Sustained for liability; overruled for damages.
		47:1-4	FRE 611(b); dkt. 198, p. 8	Sustained for liability; overruled for damages.
		47:6-14	FRE 611(b); dkt. 198, p. 8	Sustained for liability; overruled for damages.
		47:22-48:11	FRE 611(b); dkt. 198, p. 8	Sustained for liability; overruled for damages.
49:8-19	49:8-19 Rule 105 (limited admissibility)			Overruled.
51:23	51:23 Rule 105 (limited admissibility)	51:17-22		Sustained.
51:25-52:4	51:25-52:4 Rule 105 (limited admissibility)			Sustained as to 51:25; overruled as 52:1-4.
53:22-25- 54:14	53:22-25-54:14 Rule 105 (limited admissibility)	54:15		Overruled.
54:16-55:1	54:16-55:1 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
64:17-22	64:17-22 Rule 105 (limited admissibility)			Overruled.
64:23-25	64:23-25 Rule 105 (limited admissibility)			Sustained.
65:1-14	65:1-14 Rule 105 (limited admissibility)			Sustained.
66:15-21	66:15-21 Rule 105 (limited admissibility)			Sustained.
67:6-25	67:6-25 Rule 105 (limited admissibility)			Sustained.

68:1-8	68:1-8 Rule 105 (limited admissibility)			Sustained.
68:12-14	68:12-14 Rule 105 (limited admissibility)	68:15-21		Sustained.
69:18-25	69:18-25 Rule 105 (limited admissibility)			Sustained.
70:17-21	70:17-21 Rule 105 (limited admissibility)			Overruled.
71:3-20	71:3-20 Rule 105 (limited admissibility)			Overruled.
71:21-25	71:21-25 Rule 105 (limited admissibility)			Overruled.
72:1-3	72:1-3 Rule 105 (limited admissibility)	72:8-11	FRE 611(b); dkt. 198, p. 8	Overruled as to designation; overruled as to counter-designation.
		72:13-18	FRE 611(b); dkt. 198, p. 8	Overruled.
		72:20-74:6	FRE 611(b); dkt. 198, p. 8	Overruled.
74:17-21	74:17-21 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
75:9-22	75:9-22 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
76:4-25	76:4-25 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained for liability; overruled for damages.
77:1-8	77:1-8 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)	78:7-10		Sustained for liability; overruled for damages.

		78:12-21		
79:4-15	79:4-15 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained for liability; overruled for damages.
79:25	79:25 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained.
80:1-20	80:1-20 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained.
80:22-25	80:22-25 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained.
81:1-13	81:1-13 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)	81:14-82:12		Sustained.
82:13-17	82:13-17 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)	82:18-83:7	Incomplete; The answer to the question in 83:6-7 is contained at 83:10-12	Sustained.

83:17-25	83:17-25 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained for liability; overruled for damages.
84:1-8	84:1-8 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained for liability; overruled for damages.
84:23-25	84:23-25 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained for liability; overruled for damages.
85:1-7	85:1-7 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)	85:8-16		Sustained for liability; overruled for damages.
85:17-25	85:17-25 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained for liability; overruled for damages.
86:3-7	86:3-7 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained for liability; overruled for damages.
86:8-16	86:8-16 Rule 105 (limited admissibility); Rule 402 (irrelevant) ; Rule 403 (prejudicial)			Sustained as to liability; overruled as to damages.

87:2-20	87:2-20 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
87:23-25	87:23-25 Rule 105 (limited admissibility)			Sustained as to liability; overruled as to damages.
88:1-25	88:1-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
89:1	89:1 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
89:5-12	89:5-12 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
97:1-5	97:1-5 Rule 105 (limited admissibility)			Sustained as to liability; overruled as to damages.
97:14-19	97:14-19 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
97:23-25	97:23-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
98:1-10	98:1-10 Rule 105 (limited admissibility)			Sustained as to liability; overruled as to damages.
98:17-22	98:17-22 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.

98:23-25	98:23-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
99:1-5	99:1-5 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
103:25	103:25 Rule 105 (limited admissibility)			Sustained as to liability; overruled as to damages.
104:1-6	104:1-6 Rule 105 (limited admissibility)	107:7-10	No witness testimony designated by IHP; attorney question only	As for objection to designation, sustained as to liability, overruled as to damages. As for objection to counter-designation, sustained.
104:11-17	104:11-17 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
104:20-23	104:20-23 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
105:1-5	105:1-5 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
105:24-25	105:24-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.

106:1-7	106:1-7 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
106:9	106:9 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
106:12-24	106:12-24 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
107:9-24	107:9-24 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
109:20-25	109:20-25 Rule 105 (limited admissibility)			Overruled.
110:1-12	110:1-12 Rule 105 (limited admissibility)			Overruled.
110:14-25	110:14-25 Rule 105 (limited admissibility)			Overruled.
111:1-11	111:1-11 Rule 105 (limited admissibility); 111:9-11 (form); (compound)			Overruled.
111:13-22	111:13-22 Rule 105 (limited admissibility);			Overruled.
117:6-14	117:6-14 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
118:1-24	118:1-24 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
119:4-7	119:4-7 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.

119:9-23	119:9-23 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
120:17-18	120:17-18 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
121:2-19	121:2-19 Rule 105 (limited admissibility)	121:20-122:6		Sustained for liability; overruled for damages.
123:4-8	123:4-8 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
127:20-25	127:20-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
128:1-7	128:1-7 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
128:11-21	128:11-21 Rule 105 (limited admissibility); 128:16-21 (form); (compound)			Sustained for 128:16-21; as for, 128:11-15, sustained for liability and overruled for damages.
129:13-25	129:13-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
130:1-5	130:1-5 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.

130:17-25	130:17-25 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
131:1-22	131:1-22 Rule 105 (limited admissibility)			Sustained for liability; overruled for damages.
136:18-20	136:18-20 Rule 105 (limited admissibility); (form); (compound); Rule 602 (foundation)			Sustained for liability; overruled for damages.
137:1-8	137:1-8 Rule 105 (limited admissibility); (form); (compound); Rule 602 (foundation)			Sustained for liability; overruled for damages.

Entered this 17th day of October, 2012.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge